

**TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office AUG 18 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 08 2006 under 74608

The applicant **Paul and JoAnn Miller** hereby make application for permission to change the **Point of Diversion Manner & Place of Use of a portion** of water heretofore appropriated under **Permit 36316 Cert. 12137**

1. The source of water is **Underground**
2. The amount of water to be changed **2.4199 CFS**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **within the SE¼ NW¼ of Section 33, T.36N., R.37E., M.D.B. & M. or at a point from which the NW corner of said Section 33 bears N 43° 59'37" W, 2282.00 feet.**
6. The existing permitted point of diversion is located within **the NE¼ SW¼ of Section 22, T.35N., R.36E., M.D.B. & M. or at a point from which the S¼ corner of said Section 22 bears S 1°37'21" E, 1553.7 feet.**
7. Proposed place of use **144 ac. within portions Section 33, T.36N., R.37E., M.D.B. & M. lying North of the Union Pacific Railroad.**
8. Existing place of use **40.48 ac. in the NW¼ SW¼, 39.19 ac. in the SW¼ SW¼, 24.69 ac. in the SE¼ SW¼ and 39.64 ac. in the NE¼ SW¼ of Section 22, T.35N., R.36E., M.D.B. & M. .60 acres to remain in the NE¼ SW¼ of Section 22.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **Mar 1 to Nov. 15** of each year.
11. Description of proposed works **a drilled well and circular sprinkler**
12. Estimated cost of works **in excess of \$50,000**
13. Estimated time required to construct works **1 year**
14. Estimated time required to complete the application of water to beneficial use **3 years**

15. Remarks: The Permittees are filing this application because the well under Permit 36316 pumps water with a high boron content, which is unsuitable to irrigate with. Please refer to supporting map for Application 74608 which is the permanent change application filed to change Permit 36316.

Desert Mountain Surveying
John H. Milton III, Agent
By s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared sc/sg lt/bk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 36316, Certificate 12137, is issued subject to the terms and conditions imposed in said Permit 36316, Certificate 12137, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on October 2, 2007 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.4199 cubic feet per second, but not to exceed 576.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A TEMPORARY

Proof of completion of work shall be filed before:

N/A TEMPORARY

Water must be placed to beneficial use on or before:

N/A TEMPORARY

Proof of the application of water to beneficial use shall be filed on or before:

N/A TEMPORARY

Map in support of proof of beneficial use shall be filed on or before:

N/A TEMPORARY

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office, this

3rd day of October, A.D. 2006

Tracy Taylor, P.E.
State Engineer